REMARKS

Claims 1-11 are currently pending in the application. Claims 1, 2, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,625,282 B2 (Liang) in view of U.S. Patent 6,016,347 (Magnasco) and further in view of U.S. Patent 5,978,689 (Tuoriniemi). Claims 3-10 were rejected under 35 U.S.C. §103(a) as unpatentable over Liang, Magnasco, and Tuoriniemi in view of "Specification of the Bluetooth System v1.0B," December 1, 1999 (Bluetooth Spec).

Liang teaches a hands free telephone picking up device for answering a traditional wired phone without picking up the handset by hand. To answer a call, an activation key is pressed on a Bluetooth headset. The headset communicates with the control unit that responds by mechanically picking up the phone to initiate the call. Although Liang discloses Bluetooth communication can used between a first and second transmitting/receiving means, Liang is silent on how a Bluetooth link is established. Moreover, Liang does not disclose a microphone boom.

Magnasco teaches a headset which can be cordless includes a microphone boom which is rotatable with respect to a housing and controls the operative state of the headset. Although Magnasco teaches establishing "a wireless communication link" between the headset and a base unit, if the headset is a cordless telephone headset (e.g., see Column 3, lines 16-18), Magnasco is silent on what type of link is connected. For example, the link is an RF (radio frequency) link transmitted/received at a certain frequency which enables devices using this certain frequency to communicate with each other such as is commonly found in wireless devices. Magnasco further

teaches the operative state of the headset is defined as an off or standby mode in which the base unit can notify the user of an incoming call by transmitting a preselected ring signal to the headset and further teaches a range of rotational positions (of the microphone boom 102) corresponds to each operational mode (i.e., standby, mute, or talk). These positions are shown in FIG. 2 where it is clearly seen that the microphone boom can rotate freely about a wide range of angles, as opposed to a folded and an unfolded position as recited in the claims of the present invention. Furthermore, it is clear that a user can rotate the microphone boom while it is worn, which teaches away from the present invention as defined by the Claims. Additionally, the Office Action is unclear which positions of the microphone boom the Examiner equates with the unfolding and folding positions as recited in Claim 1. Moreover, the various modes can be active throughout a range of positions as opposed to a discrete position.

Tuoriniemi teaches a wired headset which gives the user an option to choose between an audio program and a telephone conversation (i.e., a choice of using the headset as a telephone headset or as a stereo headset), which is hard-wired to a cellular telephone. Tuoriniemi further teaches in the near ear end of the boom, a user-manipulated switch (12) is connected to a pivot 15, which implies that the user manipulated switch is located in the near ear end of the boom. Tuoriniemi further teaches this switch is a two-position switch that selectively connects a conductor to either the second speaker or to a microphone and the switch can be used to answer/ hang up a telephone call. The internal operation of the switch is clearly illustrated in FIG. 2 which clearly shows the switch passes sound signals to/from the speaker and microphone, respectively, and contrasts with the switch of the present invention which does not carry sound signals (e.g., see FIG. 1 of the present application). With reference to FIG. 1, it is clearly seen that the boom

resembles the microphone boom as taught by Magnasco pivoting about the headset, which is operationally different from the rotation of the microphone supporting member as taught by the claims of the present invention. Furthermore, although Tuoriniemi teaches answering and terminating a call and returning to a stand-by operation mode using the boom, Tuoriniemi does not teach or suggest establishing a link by performing an (identification) ID registration if it is determined that the microphone supporting member and the main body are displaced to the unfolded position, as recited in the Claims.

The Bluetooth Spec teaches Bluetooth protocols such as signaling protocols, etc. Details of a wireless headset's physical construction are notably absent.

Regarding the Examiner's rejection of independent Claim 1, the Examiner states that the combination of Liang and Magnasco teach each and every element of Claim 1 except for a sensing device located in the connector for automatically determining whether the microphone supporting member and the main body are displaced in one of the folding and unfolding positions. Upon reviewing the cited references, it is respectfully submitted that the Examiner is incorrect.

As stated above, Tuoriniemi does not teach or suggest a folding and unfolding position as recited in amended Claim 1, but rather shows the boom in different positions rotating about the body. These positions are physically different from the folding and unfolding positions as recited in amended Claim 1. Furthermore, Tuoriniemi does not teach or suggest a sensing device located in the connector. Moreover, amended Claim 1 includes the recitation of a controller being

operative to establish a link by performing an ID (identification) registration between the wireless headset and a master terminal registered in the wireless headset, if it is determined that the microphone supporting member and the main body are displaced to the unfolding position, which is neither taught nor suggested by Liang, Magnasco, or Tuoriniemi. Accordingly, for at least the above-stated reasons, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 1 be withdrawn.

Regarding the Examiner's rejection of independent Claim 11, Claim 11 has been amended and includes similar recitations as those contained in Claim 1. Accordingly, for at least the reasons stated above with respect to the rejection of Claim 1, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 11 be withdrawn.

Regarding the Examiner's rejection of independent Claim 3, the Examiner states that the combination of Liang, Magnasco, and Tuoriniemi do not teach or disclose a Bluetooth module registering an ID of the wireless headset in a counterpart terminal through a Bluetooth module if the unfolding position is determined (Office Action, Page 6), which the Examiner states is taught by the Bluetooth Spec. Liang, Magnasco, Tuorinieni, and the Bluetooth Spec are discussed above. Neither the Bluetooth Spec, nor Liang, Magnasco, or Tuorinieni, either alone or in combination, teach or suggest a wireless radio communication module for registering an ID (identification) of the wireless headset in a counterpart terminal through the wireless radio communication module if the unfolding position is determined, as recited in Claim 3. Moreover, Claim 3 includes the recitation of a folding and unfolding position, which is neither taught nor suggested by Liang, Magnasco, Tuoriniemi, or the Bluetooth spec, or the combination thereof.

Accordingly, for at least the above-stated reasons, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 3 be withdrawn.

Regarding the Examiner's rejection of independent Claim 5, Claim 5 has been amended and contains similar recitations as those which are contained in Claim 1. Additionally, amended Claim 5 includes the recitation of attempting to establish a link by performing an ID (identification) registration, if it is detected that the microphone supporting member is unfolded, which is neither taught nor suggested by Liang, Magnasco, Tuorinieni, or the Bluetooth Spec, or the combination thereof. Accordingly, for at least the above-stated reasons, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 5 be withdrawn.

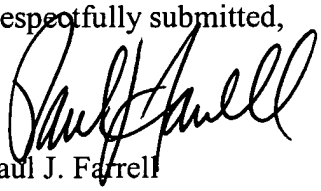
Regarding the Examiner's rejection of independent Claims 6-10, these claims include similar recitations as those contained in Claims 1 and 3. Accordingly, for at least the reasons stated above with respect to the rejection of Claims 1 and 3, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claims 6-10 be withdrawn.

Independent Claims 1, 3, 5-9, and 11 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 4, and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-11, are

believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/VAG/ml